

THE GEORGE WASHINGTON UNIVERSITY
Washington, D. C.

MINUTES OF A REGULAR MEETING
OF THE FACULTY SENATE HELD ON
DECEMBER 12, 1975, IN THE FACULTY
CONFERENCE ROOM, SIXTH FLOOR
LISNER HALL

1 Provost Bright called the meeting to order at 2:14 p.m.

Present: Provost Bright, Registrar Gebhardtshauer, Adams, Birnbaum, Cassidy, Cottrell, Fox, Griffith, Kirsch, Kurtz, Lilliefors, Morgan, Naeser, Pierpont, Reich, Schmidt, Smith, Stevenson, Vaill, Vontress, and Wood.

Absent: President Elliott, Parliamentarian Schwartz, Albert, Boswell, C. Elliott, Grub, N. Kramer, R. Kramer, Liebowitz, Linton, Meltzer, Nash, Purcell, Sapin, Schiff, Solomon, and Tillman.

Professor Morgan informed the Senate that the response of the History Department to Senate Resolution 75/8 concerning the De Pauw matter had just been received by him and he, therefore, moved suspension of the rules to permit the Senate to go into Executive Session for the purpose of considering the History Department's response. The motion was approved unanimously and Provost Bright turned the Chair over to Professor Morgan. The Senate moved into Executive Session and at 3:25 p.m. moved to suspend the Executive Session until the regular business of the Senate had been completed. Provost Bright resumed the Chair.

2 The minutes of the November 14, 1975, meeting were approved as distributed.

3 Under Old Business, concerning reintroduction and further consideration of Resolution 73/7, "A Resolution Approving Revisions to the Faculty Code and Ordinances," Professor Stevenson, on behalf of the Professional Ethics and Academic Freedom Committee, moved the following amendment to Code Revision No. 2 on Page 23:

1. Department Chairman

3rd Line - Place (,) after the word "shall" and insert the following phrase:

"subject to such limitations or guidelines as may be established by the faculties of the respective schools or colleges,"

Professor Stevenson said that this amendment was designed to comply with the objection of the Medical School that it was unduly restricted in its procedures. Professor Morgan seconded the motion and, without debate, the motion was adopted unanimously. Professor Stevenson then moved to amend the 12th and 13th lines on the same page by striking the words "elected or otherwise chosen" and substituting therefor the word "selected," so that the language would read: "... committee whose members have been selected in accordance with such procedures." He said that this amendment merely simplified the language, and

Professor Morgan seconded the motion. Professor Pierpont asked if the word "selected" implied that the election process would be eliminated because appointed committees in the past in some instances had created some problems. Professor Stevenson said that the amendment was not intended to make any substantive change and that the present language permitted appointed committees. He said that he interpreted the word "selected" to mean appointed, elected, or chosen in some other fashion. Professor Fox said that he did not think "selected" was synonymous with "or otherwise chosen" because it could mean only appointed. Further discussion followed by Professors Griffith, Pierpont, Stevenson, and Naeser. The question was called and the amendment was adopted by a vote of 9 to 5. Professor Stevenson then moved to amend the next to the last sentence on Page 25, Paragraph 3, which reads: "Such a dean shall be appointed after consultation with the committee. . ." by striking the words "a dean" and substituting the word "officials." The motion was seconded. The question was called and the amendment was adopted unanimously.

Professor Stevenson said that the Professional Ethics and Academic Freedom Committee had met and expected to propose at the next Senate meeting a revision of the procedure for considering faculty grievances which would essentially eliminate the role of the Faculty Senate in that a three-member hearing committee would hear the proceedings initially and issue a recommended decision. If no objection was made to that decision, it would then go to the President for appropriate action; if an objection was made to the decision of the hearing committee, either party in the matter could appeal the decision of the hearing committee to the Committee on Professional Ethics and Academic Freedom which would sit as an appellate body to review the record, hear oral arguments, take written briefs, and render a final decision or remand it to the hearing committee for further proceedings. When a final decision was reached, the matter would then be referred to the President for appropriate action. Professor Stevenson said that it was the committee's view that this revision was desirable in light of the fact that once the Faculty Senate became involved in the grievance procedure, it became completely involved, and there was no convenient stopping point. Professor Wood asked if the committee considered whether an option to the Senate should not be included. Professor Stevenson responded that the committee felt that the Senate was not a body that was capable of performing a judicial function, but that it could perhaps act as a legislative body to lay down rules of procedure and substantive law as guidelines for the hearing committee and the Professional Ethics and Academic Freedom Committee. Professor Kirsch said that he felt uncomfortable about the proposed change since it would essentially disenfranchise the Senate members. Professor Cassidy suggested that an alternative method would be the election of a Grievance Commission by the Senate which could develop some experience since its members would be elected for a period of two, three, or four years and this Commission would in a sense replace the hearing committee and would be capable of reporting directly after having heard the case to the Administration, as well as reporting to the Senate. Professor Kirsch said it was his understanding that Title IX requires that a grievance person be designated to receive grievances in a formal grievance structure and he wondered if the procedure outlined by Professor Stevenson would overlap. Professor Stevenson said that the three-member hearing committee, as proposed, would comply with the terms of Title IX and would constitute the formal procedures by which one could appeal a violation. A discussion followed by Professors Kirsch, Pierpont, Cassidy, and Griffith. Professor Stevenson said he would take Professor Cassidy's and Professor Kirsch's suggestions under advisement.

Professor Morgan called to the attention of the members the memorandum to the Executive Committee from President Elliott regarding his comments on the proposed revision of the Code. He reported that the Executive Committee recommended the establishment of the small committee suggested by the President and recommended the election of the following people to serve in that capacity: Professor Marie M. Cassidy, member of the Executive Committee; Professor Russell B. Stevenson, Jr., Chairman, Professional Ethics and Academic Freedom Committee; Professor Edwin L. Stevens, former member of the Senate and past Chairman of the Executive Committee; Professor Reuben E. Wood, Chairman, Fiscal Planning and Budgeting

Committee, and the Chairman of the Executive Committee who would serve in an ex officio capacity. Professor Morgan, on behalf of the Executive Committee, moved the election of the nominees, and the motion was seconded. Professor Cottrell asked if this committee would be an ad hoc committee specifically to carry out this particular charge and whether the nominees had signified their willingness to serve. Professor Morgan responded that the committee would be a Special Committee of the Senate for the particular purpose set forth, would report back to the Senate, and would participate extensively in the final discussions of the Code Revision; he said that all the nominees had indicated their willingness to serve. Professor Griffith asked if the reason for appointing the Chairman of the Executive Committee in an ex officio capacity indicated that the Special Committee might not be reporting within the present term of the Senate, and Professor Morgan said that it was impossible to determine when deliberation on the Code Revision would be completed, and, therefore, the Executive Committee felt that the Chairman of the Executive Committee should be a member of this committee in an ex officio capacity until the Code Revision was completed. Professor Vontress asked if the Special Committee would do more than just report back to the Senate but try to resolve some of the issues, and Professor Morgan replied that that would be the intent. The question was called and the nominees were elected unanimously.

Professor Morgan, on behalf of the Executive Committee, moved for suspension of the rules in order to make two reports to the Senate which were received too late for inclusion on the agenda. No objection was made to suspending the rules. Professor Morgan said that the first report concerned the Special Committee's report on the denial of tenure case of Professor Sharon Leigh Clark, Department of Human Kinetics and Leisure Studies, in which the Special Committee recommended that the faculty of the Department reconsider Professor Clark's tenure, and that the Department accepted that recommendation, reconsidered its decision, and came to the same conclusion previously reached. Professor Morgan said the second report he wished to make was in the form of a memorandum to himself as Chairman of the Executive Committee from President Elliott dated December 2, 1975, regarding the President's response to Resolution 74/10 concerning campus planning at The George Washington University. He read the following:

I find Resolution 74/10 inappropriate and, therefore, unacceptable.
The following comments are offered by way of explanation:

It is appropriate that the Faculty Senate, through one of its committees, advise the President and the Board of Trustees on any matters related to campus development. It is inappropriate, however, for a Faculty Senate Committee to "be charged with the responsibility for a continuing review of the Master Plan."

The trustees who have ultimate responsibility for campus development have assigned to certain administrative officers of the University the responsibility of carrying out the function of campus development. It is, therefore, an administrative function and not appropriately lodged in a committee.

Unlike most other property owners, the University cannot conceal its intentions for development of the campus and is thus already at a disadvantage in the real estate market. It must be in a position to buy, sell or alter property as the necessity may arise, in accordance with an approved Master Plan. The current plan reflects the general intentions of the University. It will be updated from time to time and the advice of all concerned will be given due consideration in such revisions. To inject a committee, however, into the day-to-day decisions of implementation of the Plan is not in the best interests of the University.

Professor Adams, Chairman of the Physical Facilities Committee, advised the Senate that the committee expected to have an item on the agenda for the next Senate meeting concerning this subject.

- 4 On behalf of the Faculty Senate and the Executive Committee, Professor Morgan moved the adoption of the following Resolution of Appreciation:

A RESOLUTION OF APPRECIATION (75/9)

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY:

That the Faculty Senate expresses its gratitude to the chairman and members of the Professional Ethics and Academic Freedom Committee for their valuable service as the Hearing Committee in the matter of Linda G. De Pauw, Associate Professor of American History.

Executive Committee
of the Faculty Senate
November 24, 1975

/s/ John A. Morgan, Jr.
John A. Morgan, Jr.
Chairman, Executive Committee

Professor Griffith seconded the motion. The question was called and the resolution was adopted unanimously.

- 5 Under Brief Statements Professor Kirsch said that some dissatisfaction had been voiced by faculty concerning faculty benefits at the Smith Center, in particular, the choice of seats available for faculty members with season tickets and the use of the facilities by faculty children at a discount. Professor Kirsch said that these matters were being reconsidered by Mr. Faris and Mr. Swain of the Center who first wanted to determine the usage of the facilities before proposing any changes in the present policy.

Professor Cottrell noted that in past years "free parking" was a fringe benefit available to faculty but that that policy had been changed requiring all employees to pay a parking fee. Now, he said, a new 8% tax has been imposed by the District of Columbia on top of the parking fee and he wondered if government employees were obliged to pay the 8% tax on parking provided for them by the government. Provost Bright said that he did not know whether government employees had to pay the 8% tax but that GWU employees were obliged to pay the tax according to legal counsel.

Having completed the regular business, the Senate returned to Executive Session, concluding the same at 4:26 p.m.

- 6 Professor Morgan adjourned the regular meeting at 4:27 p.m., upon motion made and seconded.


Robert Gebhardt
Secretary

THE GEORGE WASHINGTON UNIVERSITY
Washington, D. C.

The Faculty Senate

December 3, 1975

The Faculty Senate will meet on Friday, December 12, 1975, at 2:10 p.m.,
in the Faculty Conference Room on the sixth floor of Lisner Hall.

AGENDA

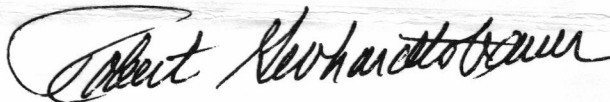
1. Call to order
2. Minutes of the regular meeting of November 14, 1975
3. Old Business:

Reintroduction and further consideration of Resolution 73/7, " A RESOLUTION APPROVING REVISIONS TO THE FACULTY CODE AND ORDINANCES," Professor Russell B. Stevenson, Jr., Chairman, Professional Ethics and Academic Freedom Committee (see attached proposed amendment by PEAFC Committee and Comments on Proposed Revision of Faculty Code by President Elliott)

4. Resolutions:

A RESOLUTION OF APPRECIATION (75/9), Professor John A. Morgan, Jr., Chairman, Executive Committee (resolution attached)

5. Brief Statements
6. Adjournment



Robert Gebhardtsbauer
Secretary

MEMORANDUM TO: John A. Morgan, Jr., Chairman, Executive Committee

The following amendment to Code Revision No. 2 is proposed by Professor Russell B. Stevenson, Jr., on behalf of the Professional Ethics and Academic Freedom Committee for consideration by the Faculty Senate:

Page 23 -

1. Department Chairman

Third Line - Place (,) after the word "shall" and insert the following phrase:

"subject to such limitations or guidelines
as may be established by the faculties of
the respective schools or colleges,"

Twelfth and

Thirteenth Lines - Strike the words "elected or otherwise chosen"
and substitute therefor the word "selected."

December 2, 1975



THE
GEORGE
WASHINGTON
UNIVERSITY

Washington, D.C. 20006 / Office of the President / (202) 676-6500

December 2, 1975

MEMORANDUM TO: Professor John A. Morgan, Jr.
Chairman, Executive Committee
Faculty Senate

FROM: Lloyd H. Elliott

RE: Comments on Proposed Revision of Faculty Code

In the interim since receipt of the Proposed Revision I have asked Dr. Bright, Dr. Walther and Mrs. Margaret Trexler to give me their suggestions regarding proposed changes. Other unsolicited comments have reached me from various sources, and the following report is my own assessment at this point of the proposal.

I. Response to Individual Items:

Page 2: B., 2. "Limited Service" is preferred to "Part-time". It has been pointed out that no provision is made in the revision for any full-time faculty member who is not on a tenure track. It is also suggested that "Adjunct" be retained for all professorial levels, since this designation is used in various divisions of the University.

Page 2: 4., a) Place (.) after the word "Tenure" and strike out rest of sentence.

Page 5: A., 1., a) Following the word "faculty" in line 5 counting up the page, strike out (.) and "both of". Retain rest of stricken statement on page 5. It is believed this retention is necessary for legal purposes since the University does not make appointments by contract.

- Page 6: Paragraph 2. Retain "Limited Service".
- Page 6: Paragraph 3., a) This proposed change is unclear to those of us who have studied it.
- Page 7: b), 3) Retain that which is suggested for deletion in order to protect the University and to conform with other parts of the Code.
- Page 7: b), 4) Conclude sentence with "Unless otherwise provided by affiliation agreements."
- Page 9: Suggest new language: Professors shall be appointed for a period of not more than three years without tenure.
- Page 10: IV., C. The last two lines should read, beginning after the words "without regard to", "race, color, religion, sex, national origin, or other considerations prohibited by law."
- Page 9,
10 &
11 : V., B., 1., a) b) c) Substitute specific dates of March 1, December 1 and July 1 because of differences in calendar from year to year and differences among various units of the University within a single year.
- Page 11: C. Following phrase "for adequate cause," put in (,) and "for termination of program".
- Page 12: Add 2 (after d) Termination of Program
- Page 12: Change 2, before a) to 3.
- Page 12: VI., B. Retain in last line "above the rank of instructor".
- Page 13: In middle paragraph, retain old language and eliminate proposed revision.
- Page 14: VII., A. Eliminate "tenured" from the first line. This section of the Proposed Code does not provide for present practice wherein each retiring faculty member is permitted to continue for one year beyond age 65 on a full-time basis and a second year on a one-half time basis. Perhaps present practice should be reflected in this part of the Code.

December 2, 1975

Page 15: In line 5, retain old language "limited duty" and delete "a part-time basis".

Page 15: B. Delete entire paragraph. Two years of service now qualifies a person for disability retirement so the old provision is unnecessary.

Page 16: D. Eliminate in its entirety. This refers to past service benefits which are no longer applicable.

Pages 17

& 18: A., B. Proposed revisions are unacceptable. Recommend retention of old language.

Page 18: X. Nine lines up from bottom of page beginning after the words "based on" the text should read "race, color, religion, sex, national origin, or other considerations prohibited by law" (and then continue with the remainder of the sentence. beginning with the words "with regard to").

Page 18: In new language four lines up from the bottom of the page strike out "procedures set forth in the Principles, Standards and".

Page 21: Retain old language of middle paragraph.

Page 22: 2. It is suggested that the definition of a quorum be added to this provision for the further protection of faculty rights.

Page 22: 4. Retain the word "normally" in the second line.

Page 23: C., 1. Retain old language. Eliminate proposed revision.

Pages 24
through
E. on

Page 27: Retain old language. Proposed revisions unacceptable.

II. In further consideration of the Code and the proposed revisions, additional questions which have been brought to my attention are:

December 2, 1975

- 1) Some thirty to forty persons in the University who held full-time tenured positions have resigned those full-time positions and are now serving in a part-time capacity. Should the University be protected by requiring continued full-time service in order for the faculty member to retain tenure rights?
- 2) Is it desirable to include in the Code the option to create college-wide tenure committees where such may be desired?
- 3) Recognizing that certain words are becoming increasingly difficult to define is there anything to be gained by trying to clarify the practical usage of such words as "advise" "consult" "participate" "recommend"?

III. Procedure for considering further the Proposed Revision of the Code:

- 1) In order to clarify further the questions raised by the proposed changes in the Code, I should like to invite the Faculty Senate to select a small committee, perhaps three to five in number, to meet with me and a few other administrators.
- 2) It will be my recommendation to the Board of Trustees that the Chairman of the Board appoint a small committee of trustees to examine the final revision and to make appropriate recommendations to the full Board.
- 3) It will be my further recommendation that the Board of Trustees adopt with formal action the Revised Code as finally agreed upon and to promulgate it as the Faculty Code Governing the Academic Personnel of the University.

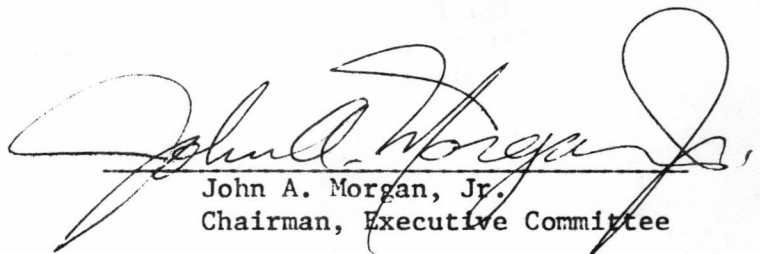
cc: Provost Bright
Dr. Walther
Mr. Johnson
Mrs. Trexler
Ms. Trone

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Executive Committee
of the Faculty Senate
November 24, 1975



John A. Morgan, Jr.
Chairman, Executive Committee

